

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, NOVEMBER 30, 2009**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:06 p.m. on Monday, November 30, 2009, with Councillor Cockrum presiding.

Councillor Oliver introduced Pastor Carl Liggins of Mt. Olive Missionary Baptist Church who led the opening prayer. He then invited Boy Scout Troupe 35 from St. Joan of Arc Church to lead all those present in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*28 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
*1 ABSENT: Mansfield*

A quorum of twenty-eight members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Sanders stated that Councillor Mansfield was admitted to the hospital this morning and will be going through some tests and hopefully released on Wednesday. She asked fellow Councillors to keep her in their thoughts. Councillor Nytes recognized Boy Scout Troop 35, who is here this evening working on their citizenship badge. Councillor Lutz stated that he was a member of that troop growing up and he also welcomed these young men. Councillor Cain recognized employees from Sallie Mae Foundation. Councillor Minton-McNeill recognized Reverend Mmoja Ajabu. Councillor B. Mahern recognized hospitality industry workers. Councillor Cain recognized community activists Liz Carlson and Paul Cawley. Councillor Oliver recognized Joe Turner, owner of the Catalina Bar.

## OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, November 30, 2009, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Bob Cockrum  
President, City-County Council

November 10, 2009

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, November 13, 2009, a copy of a Notice of Public Hearing on Proposal No. 412, 2009, said hearing to be held on Monday, November 30, 2009, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Melissa Thompson  
Clerk of the City-County Council

November 24, 2009

TO PRESIDENT COCKRUM AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Melissa Thompson, the following ordinances:

FISCAL ORDINANCE NO. 40, 2009 – approves an appropriation of \$362,000 in the 2009 Budget of the Department of Metropolitan Development (State Grants Fund) to fund capital and operational expenditures incurred by businesses within the BioCrossroads Certified Technology Park (CTP), financed by a Technology Development Grant from the Indiana Economic Development Corporation (IEDC)

FISCAL ORDINANCE NO. 41, 2009 – approves an appropriation of \$38,381 in the 2009 Budget of the Marion County Community Corrections Agency (Federal Grants Fund) to pay for three staff positions and related supplies, equipment and contractual services for a Technical Rules Violation program, financed by American Recovery and Reinvestment Act (ARRA) federal justice assistance grant funds awarded by the Indiana Criminal Justice Institute

GENERAL ORDINANCE NO. 106, 2009 – amends the Code to make technical corrections to the description of the fire special service district to reflect the consolidation of certain township fire departments into the Indianapolis Fire Department

GENERAL ORDINANCE NO. 107, 2009 – authorizes intersection controls in Sections 1 and 2 of the Morningside subdivision (District 7)

GENERAL ORDINANCE NO. 108, 2009 – authorizes intersection controls in Section 2 of the Lakeside Manor West subdivision (District 7)

GENERAL ORDINANCE NO. 109, 2009 – authorizes intersection controls in the Bluff View Meadows South subdivision (District 22)

*November 30, 2009*

GENERAL ORDINANCE NO. 110, 2009 – authorizes a multi-way stop at the intersection of 20th Street and Broadway Street (District 9)

GENERAL ORDINANCE NO. 111, 2009 – authorizes a multi-way stop at the intersection of Dunsany Lane and Inland Drive East (District 6)

GENERAL ORDINANCE NO. 112, 2009 – authorizes a change in parking meters on Illinois Street between Washington Street and 16th Street (District 15)

GENERAL ORDINANCE NO. 113, 2009 – authorizes changes in the parking restrictions in the area of IUPUI (District 15)

GENERAL ORDINANCE NO. 114, 2009 – authorizes 2-hour parking meters on Ohio Street between East Street and Park Avenue (District 15)

SPECIAL RESOLUTION NO. 43, 2009 - recognizes the Center for Inquiry at School No. 2

Respectfully,  
s/Gregory A. Ballard, Mayor

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed.

Councillor Cain moved, seconded by Councillor McQuillen, to move Proposal No. 459, 2009 from Introduction of Proposals to Presentation of Petitions and Special Resolutions to be heard as the Committee of the Whole. She said that she had submitted it to be heard as the Committee of the Whole and has invited guests to receive the resolution this evening. The motion carried by a unanimous voice vote. President Cockrum said that Proposal No. 459, 2009 will be heard as the first item under Special Resolutions.

Councillor Plowman moved, seconded by Councillor Cain, to move Proposal No. 371, 2009 from Unfinished Business to the front of the agenda due to the number of members of the public in attendance with regard to this proposal. The motion carried by a unanimous voice vote. President Cockrum stated that Proposal No. 371, 2009 will be heard as the last item under Special Resolutions.

Without further objection, the agenda was adopted as amended.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of November 9, 2009. There being no additions or corrections, the minutes were approved as distributed.

### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 459, 2009. The proposal, sponsored by Councillors Cain and McQuillen, encourages Congress to preserve Indiana Jobs while considering a student loan reform proposal that makes college more affordable and achieves significant taxpayer savings. Councillor McQuillen read the proposal and presented representatives with copies of the document and Council pins. Philip Walsh, Sallie Mae, thanked the Council for the recognition. Councillor McQuillen moved, seconded by Councillor Cain, for adoption. Proposal No. 459, 2009 was adopted by a unanimous voice vote.

Proposal No. 459, 2009 was retitled SPECIAL RESOLUTION NO. 44, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 44, 2009

A SPECIAL RESOLUTION encouraging the preservation of Indiana jobs.

WHEREAS, the Congress of the United States is debating the President's plan to make college more affordable; and,

WHEREAS, among many issues involved in said debate is the issue of eliminating private student lenders; and,

WHEREAS, Sallie Mae and its 8,500 employees across the country, including 2,300 in Indiana, are "at risk" in said debate; and,

WHEREAS, Sallie Mae is a major employer in central Indiana with 572 employees in Marion county; and

WHEREAS, Sallie Mae, its employees and leadership have been significant supporters of the community in many ways; and,

WHEREAS, USA Funds, the nation's largest student loan guarantor, has its national headquarters and 105 additional jobs located in the Town of Fishers; and,

WHEREAS, the City-County Council is supportive of responsible actions by the Congress which will recognize appropriate cost saving measures while protecting valuable jobs for Hoosier families; and,

WHEREAS, Sallie Mae, USA Funds, and a broad coalition representing various stakeholders in the student loan community have proposed a responsible alternative, which should be seriously considered and adopted as the best way of achieving the goals and objectives of both the President and Congress, without sacrificing tens of thousands of jobs across the country and here in Indiana; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Congress of the United States is hereby encouraged to adopt a student loan reform proposal that makes college more affordable and achieves significant taxpayer savings, while also protecting Hoosier jobs and our families and communities.

SECTION 2. That a copy of this Resolution be provided to all members of the Indiana Congressional delegation forthwith as an expression of the concern and desires of the City of Indianapolis, Indiana.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 461, 2009. The proposal, sponsored by Councillors Nytes and B. Mahern, recognizes the Indianapolis Neighborhood Resource Center. Councillor Nytes read the proposal and presented representatives with copies of the document and Council pins. Anne Marie Taylor, Barb Burcham, and Marvin Martin all thanked the Council for the recognition. President Cockrum stated that he was one of the members of the board of the INRC when it was first founded, and he is glad to see it still thriving. Councillor Nytes moved, seconded by Councillor B. Mahern, for adoption. Proposal No. 459, 2009 was adopted by a unanimous voice vote.

Proposal No. 461, 2009 was retitled SPECIAL RESOLUTION NO. 45, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 45, 2009

A SPECIAL RESOLUTION recognizing the Indianapolis Neighborhood Resource Center.

WHEREAS, the Indianapolis Neighborhood Resource Center (INRC) is a not-for-profit organization dedicated to building the capacity of neighborhood-based organizations and resident leaders; and

WHEREAS, in 2005, the INRC founded the Indianapolis Community Building Institute (ICBI) that teaches an intensive curriculum of 18 courses over six Saturdays. Since its inception, 99 community leaders have graduated from ICBI; and

WHEREAS, INRC provides support to community organizers by assisting them in thinking through effective solutions and helping neighborhood leaders and neighborhood-based organizations address issues impacting their community, such as vacant housing or public safety; and

WHEREAS, INRC has been an active leader in the Great Indy Neighborhood Initiative (GINI) for over three years and has supported resident leaders in six demonstration neighborhoods to work collaboratively to create meaningful change; and

WHEREAS, in 2009, INRC was selected to recruit and place 30 AmeriCorps Public Allies ages 18-30, in not-for-profit agencies throughout Indianapolis. Many of these young people will use this ten-month experience as an internship and introduction to careers with community-based organizations in the non-profit sector; and

WHEREAS, for 15 years, INRC has been dedicated to supporting and promoting resident-led development by encouraging neighborhood leaders to work together toward positive change. INRC's role is to supply the tools and resources that empower present and future leaders of Indianapolis neighborhoods; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the value of the Indianapolis Neighborhood Resource Center for their programs and support to the City.

SECTION 2. The Council extends its appreciation and gratitude for the work that the INRC does and their contributions to the community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 462, 2009. The proposal, sponsored by Councillor Oliver, congratulates and applauds Elinor Ostrom, an American political scientist who is the recipient of the 2009 Nobel Memorial Prize in Economic Sciences, for her pioneering work and analysis of economic governance. Councillor Oliver read the proposal and stated that a copy of the document will be sent to Dr. Ostrom. Councillor Oliver moved, seconded by Councillor Bateman, for adoption. Proposal No. 462, 2009 was adopted by a unanimous voice vote.

Proposal No. 462, 2009 was retitled SPECIAL RESOLUTION NO. 46, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 46, 2009

A PROPOSAL FOR A SPECIAL RESOLUTION congratulating Elinor Ostrom for her accomplishments in Examining the use of [collective action](#), trust, and [cooperation](#) in the management of common pool resources which led to her recognition and the award to her of the 2009 Nobel Memorial Prize in Economic Sciences which she will share with [Oliver E. Williamson](#).

WHEREAS, Dr. Ostrom's research on common pool resources, according to the awards committee, 'brought this topic from the [fringe](#) to the forefront of scientific attention' because of its illustration of how common resources such as forests, fisheries, oil fields or grazing lands, may be best managed by the people who use them as opposed to governments or private companies or and

WHEREAS, Just as Dr. Ostrom's work, challenged [conventional wisdom](#), showing that common resources can be successfully managed without government regulation or [privatization](#), her career is a

clear demonstration of the need for the enjoyment of and encouragement of diversity in thought, opportunity and in education; and

WHEREAS, Dr. Ostrom graduated from Beverly Hills High School in 1951, received her B.A. (with honors) in [political science](#) at [UCLA](#) in 1954, was awarded an M.A. in 1962 and a Ph.D. in 1965, both from UCLA in political science, and, is now on the faculty of both Indiana University and [Arizona State University](#); and

WHEREAS, Dr. Ostrom on being the first woman to be so honored said: "I think we've already entered a new era and we recognize that women have the capability of doing great scientific work. I think its an honour to be the first woman, but I won't be the last." (Oct. 13, 2009); and

WHEREAS, we, the members of the Indianapolis Marion County City County Council join with the Nobel committee in bestowing such an honor upon a great woman whose pioneering work is of great benefit to us as a nation, particularly those of us charge with the duty of legislating for our communities, and with special pride in how well diversity has served America; now therefore,

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City Council congratulates Elinor Ostrom for her outstanding research and in recognition of her having received the 2009 Nobel Memorial Prize in Economic Sciences.

SECTION 2. The Council joins the Nobel Foundation's awards committee in recognizing the promise and benefit of Dr. Ostrom's work to the world and policies toward living in a less regulated world where common resources may be best supervised by the users of such resources without privatizing the resource or imposing government regulations such as taxes or quotas.

SECTION 3. Upon adoption of this resolution, the Council will forward a copy to the Dr. Ostrom and to the President of Indiana University at Bloomington, IN.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 463, 2009. The proposal, sponsored by Councillor Oliver, acknowledges, congratulates and applauds President Barack Obama on his nomination and receipt of the 2009 Nobel award for peace. Councillors Oliver and Bateman read the proposal.

Councillor McQuillen made the following motion:

Mr. President:

I move to amend Proposal No. 463, 2009, by deleting the proposal as introduced and substituting the following:

CITY-COUNTY SPECIAL RESOLUTION NO. , 2009

A PROPOSAL FOR A SPECIAL RESOLUTION acknowledging, congratulating and applauding the recipients of the 2009 Nobel Foundation's awards.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City Council applauds and congratulates all those who have been nominated for and accepted the 2009 Nobel awards.

SECTION 2. Upon adoption of this resolution, the Council will forward a copy to each of the recipients of the Nobel awards.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor McQuillen read the names of all those who were awarded Nobel awards this year.

Councillor B. Mahern said that Councillor Oliver offered this proposal to recognize a particular person and he would speak in opposition to this amendment. He said that if Councillor McQuillen wished to honor the other Nobel award recipients, he is free to craft a proposal to do so.

Councillor Gray said that this motion is disrespectful to the sponsor, and feels Councillor McQuillen should have spoken to Councillor Oliver prior to this evening's meeting to amend it if Councillor Oliver was so inclined.

Councillor Oliver said that he is blindsided by this hostile amendment and he has never seen a proposal for recognition be adjusted like this. He said that he questions the motive of anyone supporting such a thing.

Councillor McQuillen said that he was not trying to ignite a firestorm, but simply wanted to honor all the recipients. He said that if Councillor Oliver is offended, then he will withdraw his motion to amend.

Councillor Lutz stated that he is not always necessarily in agreement with every recognition proposal offered and is not sure he is in agreement with all the wording in this particular one, but this particular recipient is the President and it was Councillor Oliver's desire to recognize this achievement, and he will therefore support it.

Councillor Oliver moved, seconded by Councillor Bateman, for adoption. Proposal No. 463, 2009 was adopted by a voice vote.

Proposal No. 463, 2009 was retitled SPECIAL RESOLUTION NO. 47, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 2009

A PROPOSAL FOR A SPECIAL RESOLUTION acknowledging, congratulating and applauding President Obama's being awarded the 2009 Nobel Foundation's award for Peace.

WHEREAS, President Obama was overwhelmingly elected to the Office of President of the United States on November 4, 2008, thus becoming our 44th and the first African American to be so honored by the citizens of this great nation; and

WHEREAS, the United States is a world power and leader in the global economy and enjoys a tremendous power to be used for the good of all people and for procuring peace and harmony in a world of competing and conflicting interests; and

WHEREAS, upon his election, Mr. Obama as the President of the United States began immediately to put a new face on world diplomacy with one, of many goals, being the reduction of the risk to us all of a nuclear war; and

WHEREAS, the Nobel Foundation in making its 2009 award for peace acknowledged President Barack Obama's advocacy for a world free of nuclear weapons, as well as his support for international diplomacy and institutions such as the United Nations; and

WHEREAS, we, the members of the Indianapolis Marion County City County Council join with the Nobel committee in sending a clear message to the world that the citizens of this great country stand with

our President as he advocates for international diplomacy, strengthened international institutions and continuing work for a world without nuclear arms; now therefore,

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City Council applauds and congratulates President Obama for his having been nominated for and accepting the 2009 Nobel Peace award.

SECTION 2. The Council joins the Nobel Foundation's selection committee in recognizing the promise to the world that President Obama's presence and policies toward living in a world free of the threat of nuclear destruction and for peaceful common accomplishment and purpose.

SECTION 3. Upon adoption of this resolution, the Council will forward a copy to the President of the United States - Mr. Obama.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Cockrum passed the gavel to Vice President Vaughn.

PROPOSAL NO. 460, 2009. The proposal, sponsored by Councillor Cockrum, approves a schedule of regular council meetings for the year 2010. Councillor Cockrum said that there was some feedback after the draft agenda was distributed, and those issues have been resolved. He moved, seconded by Councillor Cain, for adoption. Proposal No. 460, 2009 was adopted by a unanimous voice vote.

Proposal No. 460, 2009 was retitled COUNCIL RESOLUTION NO. 6, 2009, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 92, 2009

A COUNCIL RESOLUTION approving a schedule of regular council meetings for the year 2010.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby approves the following schedule of regular meetings for the year 2010:

- |                               |                                 |
|-------------------------------|---------------------------------|
| (1) Monday, January 11, 2010  | (10) Monday, July 26, 2010      |
| (2) Monday, February 01, 2010 | (11) Monday, August 23, 2010    |
| (3) Monday, February 22, 2010 | (12) Monday, September 20, 2010 |
| (4) Monday, March 22, 2010    | (13) Monday, October 04, 2010   |
| (5) Monday, April 05, 2010    | (14) Monday, October 25, 2010   |
| (6) Monday, April 26, 2010    | (15) Monday, November 15, 2010  |
| (7) Monday, May 17, 2010      | (16) Monday, December 06, 2010  |
| (8) Monday, June 07, 2010     | (17) Monday, December 20, 2010  |
| (9) Monday, June 28, 2010     |                                 |

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 256, 2009. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 256, 2009 on July 28, September 29, October 13 and November 17, 2009. The proposal, sponsored by Councillors Sanders, Plowman, D. Mahern and B. Mahern, calls upon the hospitality industry to reduce the negative impact of outsourcing jobs on the



community. By a 7-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Cockrum said that he will again abstain from voting on this proposal due to the appearance of a conflict of interest. He said that his son works for White Lodging, which operates the Marriott Hotel.

Councillor Sanders stated that this directly impacts Marion County residents and she urged fellow Councillors to support. Councillor B. Mahern agreed and also asked members to support the measure. Councillor Plowman concurred and also urged Councillors to approve this proposal. Councillor Smith agreed and thanked the hospitality workers for all they do for the city. Councillor Pfisterer said that she supports this proposal and asked the Council to keep jobs in Marion County.

Councillor Lutz moved, seconded by Councillor Plowman, for adoption. Proposal No. 256, 2009, as amended, was adopted on the following roll call vote; viz:

*23 YEAS: Bateman, Brown, Cardwell, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Smith*  
*4 NAYS: Cain, Scales, Speedy, Vaughn*  
*1 NOT VOTING: Cockrum*  
*1 ABSENT: Mansfield*

Councillor Coleman asked for consent to explain his vote. Consent was given. Councillor Coleman said that he would normally oppose such a proposal, but since the wording is not demanding compliance, but is simply asking the industry to consider this measure, he feel it is appropriate.

Proposal No. 256, 2009 was retitled SPECIAL RESOLUTION NO. 48, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 2009

A SPECIAL RESOLUTION calling upon the hospitality industry to reduce the negative impact of outsourcing jobs on the community.

WHEREAS, Marion County taxpayers have already paid \$970 million to subsidize the downtown convention center and stadiums; and

WHEREAS, the downtown hotels such as Westin, Hyatt, and Marriott continue to earn profits that would not have been possible without our public investment;

WHEREAS, the only significant benefit to the community is the quality of the jobs created; and

WHEREAS, Indianapolis hotel workers earn significantly less for work that these same companies pay in Minneapolis, in Detroit, or in St. Louis; now; therefore,

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1: The Indianapolis City-County Council recognizes tourism as a growing and booming industry in Marion County and wants to ensure the safety of visitors, the rule of law, and high standards throughout the hotel industry.

SECTION 2: The Indianapolis City-County Council recognizes that the practice of outsourcing jobs is not providing its residents with the employment opportunities they deserve and calls upon the hospitality industry to reduce the negative impact of such outsourcing on the community.

SECTION 3: The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4: This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14

Vice President Vaughn returned the gavel to President Cockrum.

PROPOSAL NO. 417, 2009. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 417, 2009 on November 17, 2009. The proposal, sponsored by Councillors Malone, Pfisterer, B. Mahern, Lutz, Smith and McHenry, requests the General Assembly to amend existing statutes to provide that the Council has binding authority on reviews of township budgets in Marion County. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Oliver asked what the statute says now with regard to who has authority over the budgets. Councillor Lutz said that the township advisory boards do review budgets, but the township trustees have the ability to circumvent the process. Councillor Oliver said that in Marion County, the township boards seem to be doing a good job and he does not understand the problem. Councillor Lutz said that during the budget process, the Council now has to perform a non-binding review, and it was frustrating to get information in a timely fashion and in detail. He said that they then made recommendations that the boards could either incorporate or not incorporate. This requires a lot of work on the Office of Finance and Management and the Council committee, but was a waste of time when it produced no results. He said that with property tax caps now in place, there needs to be one local body looking at how those caps are spread out. He said that non-binding reviews are ridiculous. He said that he is apprehensive about sending anything to the other end of Market Street.

Councillor B. Mahern said that this proposal is about local decision making. He said that he believes this body is elected to make tough decisions with the pool of money given. He said that the townships are doing their job, but they are only looking at their township, and do not see the big picture.

Councillor Minton-McNeill asked if township boards are elected officials. Councillor Lutz said that they are. Councillor Minton-McNeill asked if the process has changed with trustees. Councillor Lutz said that there is no change that he knows of, but that there is not communication that he knows of between the trustees to see what others are doing.

Councillor Malone said that they wasted a lot of time on a ceremonious review of township budgets, and none of the information received was consistent. She said that this body is penalized if they do not timely review these budgets, and they are stuck with the prior levy, yet there is no impetus on these boards to make sure they provide the information in a timely manner. She said that it is not in this body's best interest to continue to review budgets over which they have no authority or regulation. She said that in the future, she would also like this body to look into the surplus in some of these budgets.

Councillor Pfisterer said that the funds right now are very limited, and one fiscal body needs to review all budgets to make sure priorities are covered.

Councillor Coleman asked to be added as a co-sponsor on this proposal.

Councillor Lutz moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 417, 2009 was adopted on the following roll call vote; viz:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 2009

A PROPOSAL FOR A SPECIAL RESOLUTION requesting the Indiana General Assembly to amend existing statutes to provide that the Indianapolis Marion County City-County Council has binding authority on reviews of townships budgets in Marion County.

WHEREAS, current state law, IC 6-1.1-17-3.5, authorizes the City-County Council to review the annual budgets and tax levies of townships located in Marion County but permits the Council to only make nonbinding recommendations as to those budgets and levies; and

WHEREAS, the tax levies imposed by the townships can have an adverse effect on city and county levies under the current property tax control limits; and

WHEREAS, the budgets and tax levies of the townships are not subject to any other local oversight; and

WHEREAS, the City-County Council determines that the taxpayers of Marion County would be well served by the Council having final authority with respect to township budgets, rate and levies; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council petitions and requests the Indiana General Assembly to amend the necessary statutes to provide for the budgets of the townships be subject to approval under IC 36-3-6-9 rather than IC 6-1.1-17-3.5.

SECTION 2. The Clerk of the Council is directed to send copies of this resolution to all state senators and representatives who represent Marion County and to the governor of the state of Indiana.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Brown asked for consent to explain his vote. Consent was given. Councillor Brown stated that township officials are elected by their community, and they need to respect those decisions. He said that until township governments are done away with, they need to be left alone to do their job.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 420, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Tara Acton to the Property Tax Assessment Board of Appeals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 421, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Jackie Nytes to the City-County Internal Audit Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 422, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Christine Scales to the City-County Internal Audit Committee"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 423, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Sheriff Frank Anderson to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 424, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Michael Rodman to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 425, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoint Jennifer Ruby to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 426, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Beth White to the Information Technology Board"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 427, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which provides for additional appropriations and transfers in the 2009 Budget for various city and county agencies affecting various city and county funds to provide for continued operations and services of agencies"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 428, 2009. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which reduces 2009 appropriations for various city and county agencies"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 429, 2009. Introduced by Councillors Vaughn, Pfisterer and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to authorize the continuation of the high performance government team subject to council review every two (2) years, to delete the requirement of monthly meetings, to broaden membership to those employed in Marion County, and to require the team to publish semi-annual reports to the council"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 430, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves temporary tax anticipation borrowing for Marion County in anticipation of current taxes levied in the years 2008 and 2009, still collectible in the 2009 and 2010 budget years; authorizing the issuance of tax anticipation time warrants to evidence such loans; and pledging and appropriating the taxes to be received in such funds to the payment of such warrants"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 431, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves temporary tax anticipation borrowing for the City of Indianapolis in anticipation of current taxes levied in the years 2008 and 2009, still collectible in the 2009 and 2010 budget years; authorizing the issuance of tax anticipation time warrants to evidence such loans; and pledging and appropriating the taxes to be received in such funds to the payment of such warrants"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 432, 2009. Introduced by Councillor MahernD. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the employee residence requirements related to employment of persons possessing specialized skills and training for which there are no qualified or employable applicants who are also Marion County residents"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 433, 2009. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits of Comlux Completion USA, LLC, an applicant for tax abatement, for property located in an economic revitalization area"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 434, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Alan Rowland to the Indianapolis Public Transportation Corporation Board of Directors"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 435, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert Pfeifer to the Marion County Health and Hospital Corporation Board of Trustees"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 436, 2009. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Diana M. Hall to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 437, 2009. Introduced by Councillor Day. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Joseph E. Mayes to the Board of Parks and Recreation"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 438, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Janelle Canaday to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 439, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints William Gooden to the Animal Care and Control Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 440, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Meshell Chapman to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 441, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Jason Reyome to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 442, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints D. Michael Wallman to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 443, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Avachino Reeves to the Crime Prevention Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 444, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Edward Bartkus to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 445, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert L. Bingham to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 446, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints K. Sue Leonard to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 447, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Michael Medler to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 448, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Albert Serrano to the Domestic Violence Fatality Review Team"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 449, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Sam Nunn to the Indianapolis-Marion County Forensic Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 450, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Kenneth Giffin to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 451, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Paul Mullin to the Board of Public Safety"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 452, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Leon E. Bates to the Marion

County Stormwater Management Technical Advisory Committee"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 453, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Kenneth W. Hughes to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 454, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Robert Parrin to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 455, 2009. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Dennis Rosebrough to the Board of Public Works"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 456, 2009. Introduced by Councillor Lutz. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which reappoints Jennifer L. Ping to the Alcoholic Beverage Board of Marion County"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 457, 2009. Introduced by Councillor Mansfield. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves a request of the Metropolitan School District of Washington Township to certify its public question referendum to the County Election Board for the May 2010 election"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 458, 2009. Introduced by Councillor McQuillen. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code with respect to the number of committee meetings for which a councillor may be compensated in any calendar year"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 472, 2009. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$500,000 from the Drug Free Community Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

### **SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 371, 2009. Councillor Speedy reported that the Community Affairs Committee heard Proposal No. 371, 2009 on October 14, 2009. The proposal was then heard in Council on October 26, 2009, where it resulted in an indecisive vote. It was then postponed at the November 9, 2009 meeting. The proposal, sponsored by Councillors Hunter and Mansfield, amends the Code with respect to nonsmoking areas. Councillor Hunter moved, seconded by Councillor Gray, to return Proposal No. 371, 2009 to committee.

Councillor Coleman asked fellow Councillors to oppose the motion to return Proposal No. 371, 2009 to committee. He said that there are people in attendance on both sides of the argument and this is the second time they have attended the Council meeting to see a resolution take place. He said that he has been receiving e-mails non-stop on this matter and has copies of petitions with over 770 signatures against the measure, and the Council simply needs to vote on the matter and dispense with it.

Councillor Vaughn said that he respects Councillor Coleman's position, but that they should not continue to consider the matter and have the public continue to attend hearings when there are not enough votes to dispose of the matter either way. He said that to continue the matter on the Council's agenda is not responsible, and allowing it to return to committee will allow for more public input.

Councillor Speedy asked if a motion to strike would take precedence over a motion to return the proposal to committee. Robert Elrod, General Counsel, stated that the motion to return to committee was made first, and therefore would have priority.

Councillor Gray said that he supports the motion to return the proposal to committee as one of the key sponsors is not in attendance this evening due to circumstances beyond her control. He said that sponsors should be afforded the courtesy to champion their cause.

Councillor Mahern asked for consent to abstain from voting on the motion to return Proposal No. 371, 2009 to committee. Consent was given.

Proposal No. 371, 2009 was returned to committee on the following roll call vote; viz:

*20 YEAS: Bateman, Brown, Cockrum, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Malone, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Sanders, Smith, Speedy, Vaughn*  
*7 NAYS: Cain, Cardwell, Coleman, Day, McHenry, Plowman, Scales*  
*1 NOT VOTING: Mahern (D)*  
*1 ABSENT: Mansfield*

President Cockrum called for a brief recess in order to clear the room at 8:13 p.m. At 8:25 p.m., the President reconvened the City-County Council.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 409, 2009. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 409, 2009 on November 23, 2009. The proposal, sponsored by Councillor Cardwell, is an inducement resolution for GMF-Berkley Commons, LLC in an amount not to exceed \$22,500,000 for the acquisition, renovation and equipping of an existing 544-unit multifamily housing residential rental project known as the Berkley Commons Apartments, 8201 S. Madison Avenue (District 24). By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cardwell moved, seconded by Councillor Speedy, for adoption. Proposal No. 409, 2009 was adopted on the following roll call vote; viz:

*24 YEAS: Bateman, Cain, Cardwell, Cockrum, Day, Evans, Gray, Lewis, Lutz, Mahern (B), Mahern (D), McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
*2 NAYS: Coleman, Malone*  
*2 NOT VOTING: Brown, Hunter*  
*1 ABSENT: Mansfield*

Proposal No. 409, 2009 was retitled SPECIAL RESOLUTION NO. 50, 2009, and reads as follows:



CITY-COUNTY SPECIAL RESOLUTION NO. 50, 2009

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer"), is authorized by IC 36-7-11.9 and 12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, renovation and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, a representative of GMF - Berkley Commons, LLC, a to-be-formed Tennessee limited liability company (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer lend proceeds of an economic development financing to the Applicant for the acquisition, renovation and equipping of a multifamily housing facility consisting of an apartment complex known as Berkley Commons Apartments containing 544 apartment units, together with functionally related and subordinate facilities such as recreational facilities and parking areas, located at 8201 S. Madison Avenue, in Indianapolis, Indiana (the "Project") in City-County Council District 24 of the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council"); and

WHEREAS, the diversification of industry and increase in job opportunities (approximately 4 new full-time equivalent jobs and 11 retained full-time equivalent jobs) to be achieved by the acquisition, renovation and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it is tentatively found that the acquisition, renovation and equipping of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in Indianapolis, Indiana; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Indianapolis, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

SECTION 2. It approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount not to exceed \$22,500,000 of the Issuer under the Act for the lending of the proceeds of the revenue bonds to the Applicant, for the acquisition, renovation and equipping of the Project will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, renovation and equipping of the Project, the City-County Council of the Issuer hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that (a) all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that the proposed inducement resolution expires on October 31, 2010, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by the City-County Council of the Issuer prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of the inducement resolution; and (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds provided that at the time of the proposed issuance of such bonds the inducement resolution is still in effect; and (iii) it will use its best efforts to assist the Applicant in procuring the issuance of additional economic development revenue bonds, if such additional bonds become necessary for refunding or refinancing the outstanding principal amount of the economic development revenue bonds, for completion of the Project and for additions to the Project, including the costs of issuing additional bonds (provided that the financing of such addition or additions to the Project is found to have a public purpose (as defined in the Act) at the time of the authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date permitted by applicable federal tax and state laws, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for application fees, planning, engineering, a portion of the interest paid during acquisition, renovation and equipping, underwriting expenses, attorney and bond counsel fees, acquisition, renovation and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

SECTION 5. This resolution shall constitute "official action" for purposes of compliance with federal and state laws requiring governmental action as authorization for future reimbursement from the proceeds of bonds.

SECTION 6. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NOS. 464-466, 2009 and PROPOSAL NOS. 467-471, 2009. Introduced by Councillor Smith. Proposal Nos. 464-466, 2009 and Proposal Nos. 467-471, 2009 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 19 and 18, 2009. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 90-97, 2009, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 90, 2009.

2009-ZON-059

3101-3125 EAST 10<sup>th</sup> STREET (Approximate Addresses)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 10

EASTSIDE REVITALIZATION I, LLC, by David Kingen, requests Rezoning of 0.979 acre, from the C-3 District, to the C-3C classification to provide for corridor commercial uses.

REZONING ORDINANCE NO. 91, 2009.

2009-ZON-063

6067 DECATUR BOULEVARD (Approximate Address)

INDIANAPOLIS, DECATUR TOWNSHIP

COUNCIL DISTRICT # 22

DAMAR SERVICES, INC., by Eugene Valanzano, requests Rezoning of 7.703 acres, from the C-S District, to the SU-7 classification to provide for charitable, philanthropic, and/or not-for-profit uses.

REZONING ORDINANCE NO. 92, 2009.

2009-ZON-064

3020 NOWLAND AVENUE (Approximate Address)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 10

CHARTER SCHOOLS DEVELOPMENT CORPORATION, by Eugene Valanzano, requests Rezoning of 5.36 acres, from the D-5 (FF) District, to the SU-2 (FF) classification to provide for school uses.

REZONING ORDINANCE NO. 93, 2009.

2009-ZON-033

2340 EAST 10<sup>th</sup> STREET AND 1007 NORTH KEYSTONE AVENUE

(Approximate Addresses)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 10

HEALTHNET, INC., by David Kingen, requests REZONING of 1.35 acres, from the C-2 and D-5 Districts, to the SU-7 classification to provide for charitable, philanthropic, and not-for-profit institution uses.

REZONING ORDINANCE NO. 94, 2009.

2009-ZON-051

5959 EAST 38<sup>th</sup> STREET AND 3790 NORTH ARLINGTON AVENUE

(Approximate Addresses), INDIANAPOLIS, WARREN TOWNSHIP

COUNCIL DISTRICT # 17

UNITED NORTHEAST COMMUNITY DEVELOPMENT CORPORATION, by David Kingen, requests Rezoning of 2.75 acres, from the C-4 (FF)(FW) District, to the C-3C (FF)(FW) classification to provide for corridor commercial uses.

REZONING ORDINANCE NO. 95, 2009.

2009-ZON-054 (Amended)

2333 LAFAYETTE ROAD (Approximate Address)

INDIANAPOLIS, WAYNE TOWNSHIP

COUNCIL DISTRICT # 7

HERMAN & KITTLE PROPERTIES, INC., by Joseph D. Calderon, requests Rezoning of seven acres, from the SU-1 (W-5) District, to the D-9 (W-5) classification to provide for suburban, high-rise, multi-family dwelling uses.

REZONING ORDINANCE NO. 96, 2009.

2009-ZON-057 (Amended)

5204, 5206, AND 5216 SOUTH HARDING STREET (Approximate Addresses)

INDIANAPOLIS, PERRY TOWNSHIP

COUNCIL DISTRICT # 22

BAARON PROPERTIES, LLC, by Andi M. Metzel, requests Rezoning of 5.33 acres, from the C-S (W-5) District, to the C-S (W-5) classification to provide for wholesale and retail landscape supply operations and two single-family dwellings, or C-3 uses and/or a hotel.

REZONING ORDINANCE NO. 97, 2009.

2009-ZON-060

38 MILEY AVENUE (Approximate Address)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 15

REALTY LINK INC c/o Chad Folkening, by David Kingen, requests Rezoning of 1.166 acres, from the C-S District, to the C-2 classification to provide for high-intensity office-apartment uses.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 412, 2009. Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal No. 412, 2009 on November 11, 2009. The proposal, sponsored by Councillors Vaughn and Moriarty Adams, approves the transfer and appropriation of \$61,403,242 in the 2009 Budgets of IMPD, IFD Pensions, the Marion County Sheriff, Coroner, Prosecutor and Public Defender, and Forensic Services Agency (IMPD General, Fire Pension, and County General Funds) into the newly created Public Safety Income Tax Fund in order to comply with Indiana Code requiring all monies collected from the public safety income tax to be accounted for in a separate fund. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Oliver stated that he was unable to attend the meeting and asked if these are County Option Income Tax (COIT) dollars and how they were broken down. Councillor Vaughn said that there is a slide presentation attached to the minutes that details the breakdown. He read from the attachment with the breakdown amounts. Councillor Oliver asked if those appropriations were made in proportion to their budget. Councillor Vaughn said that there was no formula for how the dollars were allocated, but they were distributed on an as-needed prioritized basis. Councillor Oliver said that he does not understand what is being done here. Councillor Vaughn

said that the State is asking that they set up a separate fund to allocate these funds. Councillor Oliver asked if the state is a watchdog over the fund. Councillor Vaughn said that they are not, but they require a certain protocol for reporting.

Councillor Sanders asked if these are only the new public safety income tax dollars or if they include some COIT distribution that normally went to these entities. Councillor Vaughn stated that they are only the new public safety tax dollars.

President Cockrum called for public testimony at 8:29 p.m. There being no one present to testify, Councillor Vaughn moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 412, 2009 was adopted on the following roll call vote; viz:

*27 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
*0 NAYS:*  
*1 NOT VOTING: Brown*  
*1 ABSENT: Mansfield*

Proposal No. 412, 2009 was retitled FISCAL ORDINANCE NO. 44, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 44, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008; by transferring and appropriating a total of Sixty One Million Four Hundred Three Thousand Two Hundred Forty-Two Dollars (\$61,403,242) into a newly created Public Safety Income Tax fund, from the IMPD General Fund, Fire Pension Fund and County General fund, for purposes of those departments and agencies listed below.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of reallocating all monies collected from the public safety income tax into a separate newly created Public Safety Income Tax Fund, rather than being included in the funds originally budgeted to receive these revenues. The dollar amounts to be transferred are:

IMPD - IMPD General - \$29,883,435  
IFD - Fire Pension - \$5,904,657

MCSD – County General - \$12,491,471  
Marion Superior Court – County General - \$6,926,871  
Coroner - County General - \$441,007  
Prosecutor - County General - \$2,036,160  
Public Defender - County General - \$2,819,943  
Forensic Services - County General - \$899,698  
TOTAL COUNTY GENERAL – 25,615,150

GRAND TOTAL – ALL FUNDS – \$61,403,242

SECTION 2. The sum of Sixty One Million Four Hundred Three Thousand Two Hundred Forty-Two Dollars (\$61,403,242) be, and the same is appropriated to city departments for the purposes as shown in section 1.

INDIANAPOLIS METROPOLITAN POLICE DEPT (DPS) (City) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	29,883,435
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	29,883,435

INDIANAPOLIS FIRE DEPARTMENT (DPS) (City) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	5,904,657
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	5,904,657

MARION COUNTY SHERIFF (County) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	12,491,471
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	12,491,471

MARION SUPERIOR COURT (County) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	6,926,871
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	6,926,871

COUNTY CORONER (County) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	441,007
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	441,007

COUNTY PROSECUTOR (County) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	2,036,160
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	2,036,160

PUBLIC DEFENDER (County) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	2,819,943
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	2,819,943

FORENSIC SERVICES AGENCY (County) PUBLIC SAFETY INCOME TAX FUND

1. Personal Services	899,698
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	899,698

SECTION 3. The following appropriations are hereby reduced:

INDIANAPOLIS METROPOLITAN POLICE DEPT (DPS)

	<u>IMPD GENERAL FUND</u>
1. Personal Services	29,883,435
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	29,883,435

INDIANAPOLIS FIRE DEPARTMENT (DPS)

	<u>FIRE PENSION FUND</u>
1. Personal Services	5,904,657
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	5,904,657

MARION COUNTY SHERIFF

	<u>COUNTY GENERAL FUND</u>
1. Personal Services	12,491,471
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	12,491,471

MARION SUPERIOR COURT

	<u>COUNTY GENERAL FUND</u>
1. Personal Services	6,926,871
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	6,926,871

COUNTY CORONER

	<u>COUNTY GENERAL FUND</u>
1. Personal Services	441,007
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	441,007

COUNTY PROSECUTOR

	<u>COUNTY GENERAL FUND</u>
1. Personal Services	2,036,160
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	2,036,160

PUBLIC DEFENDER

	<u>COUNTY GENERAL FUND</u>
1. Personal Services	2,819,943
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	2,819,943

FORENSIC SERVICES AGENCY

	<u>COUNTY GENERAL FUND</u>
1. Personal Services	899,698
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL DECREASE	899,698

SECTION 4. The said increased appropriations are funded by revenues previously appropriated in the IMPD General, Fire Pension and County General funds, which are hereby transferred into the following funds:

(CITY) PUBLIC SAFETY INCOME TAX FUND  
35,788,092

(COUNTY) ) PUBLIC SAFETY INCOME TAX FUND  
25,615,150

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 172, 2009. Councillor Hunter reported that the Public Works Committee heard Proposal No. 172, 2009 on May 28, July 9, September 10, and November 19, 2009. The proposal, sponsored by Councillor Lutz, authorizes one-way restrictions on Waldemere Avenue and Alley 1175 South (District 13). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Hunter moved, seconded by Councillor Lutz, to strike. Proposal No. 172, 2009 was stricken by a unanimous voice vote.

PROPOSAL NO. 303, 2009. Councillor Lutz reported that the Rules and Public Policy Committee heard Proposal No. 303, 2009 on September 29, November 4 and November 17, 2009. The proposal, sponsored by Councillor Coleman, amends the Code to add a new section regarding the internet posting of city and county contracts. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Brown asked what office is responsible for the posting of these contracts. Councillor Lutz stated that the Office of Finance and Management is responsible.

Councillor Coleman thanked all who worked to get easier access for citizens and stated that this is just the beginning of his efforts in this area.

Councillor Hunter asked what the fiscal impact is of this proposal. Councillor Lutz said that the initial cost is \$21,469, with an annual cost of \$7,160. The initial cost will be absorbed by the Information Services Agency, and the annual costs can be absorbed by OFM within their current budget and staff levels.

Councillor Moriarty Adams asked if there is a dollar amount associated with the contracts that must be posted or if all contracts are to be posted, regardless of dollar value. Councillor Lutz stated that all must be posted.

Councillor Lutz moved, seconded by Councillor Smith, for adoption. Proposal No. 303, 2009 was adopted on the following roll call vote; viz:

*28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
*0 NAYS:*  
*1 ABSENT: Mansfield*

Proposal No. 303, 2009 was retitled GENERAL ORDINANCE NO. 115, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 115, 2009

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by amending Chapter 141, to add a new Sec. 141-105 internet posting of city and county contracts.

WHEREAS, the council finds that the city should make improvements in providing on-line access to records, and

WHEREAS, the council finds that records being available on-line is beneficial to promoting open, ethical government and provides for additional accountability, now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 141, Article I, of the "Revised Code of the Consolidated City and County," regarding city and county contracts, hereby is amended by the addition of a NEW Section 141-105, to read as follows:

**Sec. 141-105. Contracts to be posted on internet.**

(a) All contracts entered into by the city or county shall be made freely available to the public from the city and county's website within twenty-one (21) days of final approval of the contract.

(b) The website where the contracts are posted shall include a searchable index feature so that users can easily find contracts based on contracting entity, vendor name, and other search criteria.

(c) The corporation counsel shall ensure that information that is protected from disclosure by state law is appropriately redacted prior to the contract being posted online.

SECTION 2. The requirements of Sec. 141-105 shall apply to all contracts entered into by the city or county (a) from and after the effective date of this ordinance, and (b) between January 1, 2008 and the effective date of this ordinance; however, notwithstanding the timing requirement provided in Sec. 141-105, contracts in this latter category shall be posted online within one hundred eighty (180) days of the effective date of this ordinance.

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14, or January 1, 2010, whichever last occurs.

Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal Nos. 370, 404 and 405, 2009 on November 10, 2009. She asked for consent to vote on these proposals together. Councillor Vaughn asked that Proposal No. 370, 2009 be voted on separately.

PROPOSAL NO. 370, 2009. The proposal, sponsored by Councillors Pfisterer and Moriarty Adams, approves a transfer of \$44,200 in the 2009 Budget of the Marion County Assessor (County General Fund) to replace three new central air conditioning units, to upgrade and standardize computer connectivity, and to fund other equipment purchases necessary to expedite commercial appeals processing and to perform mandatory reassessment activities. By a 5-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Gray asked if this work has already been done. Councillor Pfisterer said that testimony indicated it has been. Councillor Gray asked what would happen if this Council did not approve the appropriation. Councillor Nytes said that it is being paid for with a transfer, and the city is liable as per the lease, and this is a housekeeping ordinance.

Councillor Vaughn said that he concurs with Councillor Gray publicly for the first time.

Councillor Lewis asked for consent to abstain due to her spouse working for the Assessor's Office. Consent was given.



Councillor Pfisterer moved, seconded by Councillor McQuillen, for adoption. Proposal No. 370, 2009 was adopted on the following roll call vote; viz:

26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy

1 NAY: Vaughn

1 NOT VOTING: Lewis

1 ABSENT: Mansfield

Proposal No. 370, 2009 was retitled FISCAL ORDINANCE NO. 45, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 45, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008) by appropriating Forty-Four Thousand Two Hundred Dollars (\$44,200) in the County General Fund for the purposes of the County Assessor.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, §1.05(c) of the City-County Annual Budget for 2009 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Assessor: to fund the replacement of and the security for three new central air conditioning units; to upgrade computer connectivity and to standardize communication; to purchase laptop computers needed to expedite commercial appeals processing and cameras needed to begin mandatory reassessment activities; and to upgrade computer switching capabilities. This purchase is funded by a transfer of funds within the County Assessor's 2009 appropriation.

SECTION 2. The sum of Forty-Four Thousand Two Hundred Dollars (\$44,200) be, and the same appropriated for, the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>COUNTY ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	0
2. Supplies	2,000
3. Other Services and Charges	6,000
4. Capital Outlay	<u>36,200</u>
TOTAL INCREASE	44,200

SECTION 4. The said increased appropriation is funded by the following reduction:

<u>COUNTY ASSESSOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services	44,200
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>0</u>
TOTAL DECREASE	44,200

SECTION 5. The council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 404, 2009. The proposal, sponsored by Councillor Moriarty Adams, determines the need to lease approximately 2,525 square feet of commercial office space at 7363 E. 21st Street for use by the Marion County Assessor. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Brown asked where the other satellite offices will be located. Councillor Pfisterer said that they are negotiating other places. Councillor Brown asked why they are moving out. Councillor Pfisterer said that this is a better lease, and is \$1,000 less. Councillor Brown said that this does not seem to be a significant enough savings to move. County Assessor Greg Bowes stated that they are shrinking eight offices down to four and wanted the offices centrally located in four quadrants.

Councillor Moriarty Adams stated that the office was also leasing space at Lawrence, and are no longer paying that \$122,000, so that saves a lot of money. Councillor Brown asked if they are moving the Lawrence offices as well as Franklin, Perry and Warren. Mr. Bowes said that the Lawrence lease has already been terminated. Councillor Brown asked what others are being closed. Mr. Bowes said that they intend to bring Perry's offices and consolidate into others. Councillor Brown asked if they did not just dump \$44,000 into this site, only to close it next month. Mr. Bowes reminded the Council that as a former Councillor he fully understands the position in the appropriating process, and he did not intend to spend money that was not appropriated, as they had money to spend. However, they would have had to delay other expenditures if the money was not transferred. Councillor Brown asked if the west office is also going to be closed. Mr. Bowes said that this is not in the plans today, but they are inheriting an old building, and it may be too expensive to maintain. .

Councillor Lutz asked if Mr. Bowes is saying he is considering closing the Wayne Township Office. Mr. Bowes said that he did not say that, but they are looking at options in maintaining the current facility. Councillor Lutz said that it is only 10 to 15 years old. Mr. Bowes said that it has undergone two major floods, and roof needs extensive repair, and they are taking all things into consideration.

Councillor McQuillen asked how much they anticipate saving from this consolidation. Mr. Bowes said that from the 2009 to 2010 budget, they are saving approximately \$200,000 in rent, by reducing eight offices to four. .

Councillor Vaughn said that \$44,000 was in this character and spent to remodel a current building, and this digest needs to more accurately reflect what this money is being used for.

Councillor Lewis asked for consent to abstain from voting on this proposal. Consent was given.

Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 404, 2009 was adopted on the following roll call vote; viz:

*26 YEAS: Bateman, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn*  
*1 NAY: Brown*  
*1 NOT VOTING: Lewis*  
*1 ABSENT: Mansfield*

Proposal No. 404, 2009 was retitled SPECIAL RESOLUTION NO. 51, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 2009

PROPOSAL FOR A SPECIAL RESOLUTION determining the need to lease approximately Two Thousand Five Hundred Twenty-Five (2,525) square feet of commercial office space at 7363 E. 21st Street, Indianapolis, Indiana, 46219 for use by the Marion County Assessor.

WHEREAS, effective July 1, 2008, the duties and obligations of the Decatur Township Assessor of Marion County Indiana, including obligations related to the ownership and leasing of real property, were transferred to the Marion County Assessor pursuant to IC 36-6-5-1(h); and

WHEREAS, effective January 1, 2009, the duties and obligations of the remaining eight (8) township assessors of Marion County Indiana, including obligations related to the ownership and leasing of real property, were transferred to the Marion County Assessor pursuant to IC 36-2-15-7.4 et seq.; and

WHEREAS, certain leases of real property entered into by the former township assessors for purposes of operating their respective township assessor offices have expired or will expire in the near future; and

WHEREAS, pursuant to IC 36-2-15-3(b), the Marion County Assessor seeks to open district satellite offices in various locations around Marion County in order to continue serving taxpayers across all nine (9) townships of Marion County; and

WHEREAS, pursuant to IC 36-1-10 et seq., the Marion County Assessor has negotiated the terms and conditions of a seven (7) year lease of real property with Mr. Robert J. Walden for purposes of establishing and operating the Marion County Assessor East District Office; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council, pursuant to IC 36-1-10-7, has investigated the conditions requiring the subject lease and hereby determines that the lease of space for use by the Marion County Assessor is needed.

SECTION 2. The property to be leased is located at 7363 E. 21st Street, Indianapolis, Indiana, 46219. Such property is owned by an individual, Mr. Robert J. Walden, whose address is 11283 Park Meadows Ct., Noblesville, Indiana 46060.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 405, 2009. The proposal, sponsored by Councillor Moriarty Adams, determines the need to lease approximately 3,373 square feet of commercial office space at 5226 Elmwood Avenue for use by the Marion County Assessor. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Pfisterer moved, seconded by Councillor Moriarty Adams, to return Proposal No. 405, 2009 to committee for additional information that calls the proposed lease into question.

Councillor Malone said that it would have been better to look at all these four leases together and it is not productive to take them piecemeal.

Proposal No. 405, 2009 was returned to committee on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Scales, Smith, Speedy, Vaughn

0 NAYS:

1 NOT VOTING: Lewis

1 ABSENT: Mansfield

PROPOSAL NO. 407, 2009. Councillor Cardwell reported that the Economic Development Committee heard Proposal No. 407, 2009 on November 23, 2009. The proposal, sponsored by Councillor Nytes, approves the statement of benefits of Bucher and Christian Consulting, Inc., which is an applicant for tax abatement for property located in an economic revitalization area. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor B. Mahern voiced his appreciation regarding the process to oversee these tax abatements, and stated that these abatements have a significant impact on the county as a whole, and he believes Council approval should go beyond those redevelopment areas.

Councillor Nytes urged fellow members to support the proposal, and stated that the 267 jobs this project will create downtown is far more beneficial than the \$40,000 in tax abatement they will receive over the 10 years.

Councillor Cardwell moved, seconded by Councillor Nytes, for adoption. Proposal No. 407, 2009 was adopted on the following roll call vote; viz:

*26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Smith, Speedy, Vaughn*  
*1 NAY: Coleman*  
*1 NOT VOTING: Scales*  
*1 ABSENT: Mansfield*

Proposal No. 407, 2009 was retitled GENERAL RESOLUTION NO. 27, 2009, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 27, 2009

PROPOSAL FOR A GENERAL RESOLUTION to approve the statement of benefits of Bucher and Christian Consulting, Inc. (hereinafter referred to as "Applicant") which is an applicant for tax abatement for property located in an allocation area as defined by IC § 36-7-15.1-26.

WHEREAS, IC § 6-1.1-12.1 allows a partial abatement of property taxes attributable to redevelopment, rehabilitation activities or installation of new equipment in Economic Revitalization Areas (each hereinafter referred to as a "Project"); and

WHEREAS, pursuant to IC § 6-1.1-12.1, the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana (hereinafter referred to as "MDC") is empowered to designate Economic Revitalization Areas; and

WHEREAS, IC § 6-1.1-12.1 requires an applicant for Economic Revitalization Area designation to provide a statement of benefits and requires the MDC, before it makes a decision to designate the area as an Economic Revitalization Area, to determine that (i) the estimated value of a Project is reasonable for projects of that nature, (ii) the estimated employment at the indicated annual salaries for a Project identified in the statement of benefits can reasonably be expected, (iii) a Project can be reasonably expected to yield the benefits identified in the statement of benefits and (iv) the totality of benefits arising from a Project is sufficient to justify Economic Revitalization Area designation; and

WHEREAS, pursuant to IC § 6-1.1-12.1-2(l) (as amended, effective July 1, 2008), a statement of benefits for property located within an allocation area, as defined by IC § 36-7-15.1-26, may not be approved unless the City-County Council of Indianapolis and Marion County, Indiana (hereinafter referred to as "Council") adopts a resolution approving the statement of benefits; and

WHEREAS, the Applicant has submitted Statement of Benefits to the MDC as part of their application for Economic Revitalization Area designation for property where Applicant's Project will occur and which are located within an allocation area, as defined by IC § 36-7-15.1-26; and

WHEREAS, MDC has preliminarily approved Applicant's Statement of Benefits, pending adoption from the Council, to allow the designation of the Economic Revitalization Area and related tax abatement pursuant to IC § 6-1.1-12.1; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby approves the Statement of Benefits which was submitted to the MDC, as part of the application for Economic Revitalization Area designation, by Bucher and Christian Consulting, Inc.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 410, 2009. Councillor Smith reported that the Metropolitan Development Committee heard Proposal No. 410, 2009 on November 16, 2009. The proposal, sponsored by Councillors Plowman and D. Mahern, approves the amounts, locations and programmatic operation of certain projects to be funded from the Community Development Grant Funds in 2010. By a 7-0-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillors Nytes, Bateman and Lewis asked for consent to abstain. Consent was given.

Councillor Smith moved, seconded by Councillor Cardwell, for adoption. Proposal No. 410, 2009 was adopted on the following roll call vote; viz:

22 YEAS: *Brown, Cain, Cardwell, Cockrum, Day, Evans, Gray, Hunter, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Oliver, Pfisterer, Plowman, Sanders, Smith, Vaughn*  
2 NAYS: *Coleman, Speedy*  
4 NOT VOTING: *Bateman, Lewis, Nytes, Scales*  
1 ABSENT: *Mansfield*

Proposal No. 410, 2009 was retitled SPECIAL RESOLUTION NO. 52, 2009, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 52, 2009

PROPOSAL FOR A SPECIAL RESOLUTION approving the amounts, locations, and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council"), passed City-County Fiscal Ordinance No. 35, 2009, the 2010 Annual Budget of the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01 (b) of the Budget Ordinance, as approved by the Council, reads as follows:

Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has presented the 2010 Action Plan, a document submitted to the United States Department of Housing and Urban Development ("HUD"), which sets forth the City's goals and intentions for using federal dollars in fiscal year 2010, to the Council; and

WHEREAS, the 2010 Action Plan identifies the amounts, locations, and programmatic operation of each project that will be funded by Community Development Grant Funds, which are summarized in the Summary of 2010 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference; and

WHEREAS, Council now finds that the amounts, locations, and programmatic operations of each project listed in the 2010 Action Plan, including insubstantial amendments thereto should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the amounts, locations, and programmatic operations of each of the projects included in the 2010 Action Plan, which are summarized in the Summary of 2010 Proposed Activities, attached hereto as Attachment A and incorporated herein by reference, are approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01(b) of the Budget Ordinance and shall include and allow insubstantial amendments to the approved projects.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code section 36-3-4-14.

Councillor Vaughn reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 411 and 413, 2009 on November 11, 2009. He asked for consent to vote on the proposals together. Councillor Sanders asked that the proposals be voted on separately.

PROPOSAL NO. 411, 2009. The proposal, sponsored by Councillors Vaughn and Brown, approves the transfer of \$140,000 in the 2009 Budget of the Department of Public Safety (Consolidated County and State Law Enforcement Funds) to purchase a vehicle for the Metro Drug Task Force, to contract for management services in Emergency Management, and to pay other operating expenses in the divisions of Animal Care and Control and Emergency Management and the Director's Office. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sanders asked what kind of vehicles are being purchased. Councillor Vaughn stated that they will be purchased at auction, and since they are being used for undercover work, they did not ask for specifics. Councillor Hunter said that there is usually a mix of foreign and domestic used for undercover.

Councillor Vaughn moved, seconded by Councillor Smith, for adoption. Proposal No. 411, 2009 was adopted on the following roll call vote; viz:

*26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Smith, Speedy, Vaughn*

*1 NAY: Coleman*

*1 NOT VOTING: Scales*

*1 ABSENT: Mansfield*

Proposal No. 411, 2009 was retitled FISCAL ORDINANCE NO. 46, 2009, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 46, 2009

A FISCAL ORDINANCE amending the City-County Annual Budget for 2009 (City-County Fiscal Ordinance No. 54, 2008, Section 1.01(i)) transferring and appropriating One Hundred Forty Thousand dollars (\$140,000) within the Consolidated County and State Law Enforcement funds, for the purposes of the Department of Public Safety.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the City-County Annual Budget for 2009, Section 1.01(i), be, and is hereby, amended by the increases and reductions hereinafter stated, to purchase a vehicle for the Metro Drug Task Force, to contract for management services in Emergency Management, and to pay for fleet services, telephone and copying expenses in the divisions of Animal Care and Control, Emergency Management and the Director's Office, financed by transfers between characters and fund balance.

SECTION 2. The sum of One Hundred Thirty Thousand dollars (\$140,000) be, and the same is hereby appropriated for the Department of Public Safety, for the purposes as shown in Sections 1 and 3, by reducing the appropriated balance as shown in section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	0
2. Supplies	10,000
3. Other Services and Charges	105,000
4. Capital Outlay	0
5. Internal Charges	<u>10,000</u>
TOTAL INCREASE	125,000

  

<u>I.M.P.D.</u>	<u>STATE LAW ENFORCEMENT FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	<u>15,000</u>
TOTAL INCREASE	15,000

SECTION 4. The following appropriations are hereby reduced:

<u>DEPARTMENT OF PUBLIC SAFETY</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	115,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL DECREASE	115,000

  

<u>I.M.P.D.</u>	<u>STATE LAW ENFORCEMENT FUND</u>
1. Personal Services	15,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	<u>0</u>
TOTAL DECREASE	15,000

SECTION 5. The said additional appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>10,000</u>
TOTAL REDUCTION	10,000

The source of these funds was a grant received in 2008 from PetSmart Charities, Inc., which has not yet been spent.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14

PROPOSAL NO. 413, 2009. The proposal, sponsored by Councillors Brown, Scales and Speedy, amends the Code to clarify the definition and violation of animal at large, to expand the definition of serious injury, to specifically provide for court-ordered forfeiture and/or destruction of an animal if serious injury to a person results from the animal chasing or approaching a person in an aggressive manner while at large, and to change the reference to serious bodily injury to serious

injury in the section on owner responsibility for animal attacks. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Sanders asked for consent to abstain as she has not had time to study this proposal as to all the consequences.

Councillor Lutz asked if an animal defending their owner against an attack would be in violation. Councillor Speedy said that there is existing language regarding provocation, and that is not addressed by this proposal.

Councillor Vaughn moved, seconded by Councillor Speedy, for adoption. Proposal No. 413, 2009 was adopted on the following roll call vote; viz:

*26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Smith, Speedy, Vaughn*  
*0 NAYS:*  
*2 NOT VOTING: Sanders, Scales*  
*1 ABSENT: Mansfield*

Proposal No. 413, 2009 was retitled GENERAL ORDINANCE NO. 116, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 116, 2009

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to clarify the definition and violation of animal at large, to expand the definition of serious injury, to specifically provide for court-ordered forfeiture and/or destruction of an animal if serious injury to a person results from the animal chasing or approaching a person in an aggressive manner while at large and at a place other than its owner's property, and to change the reference to serious bodily injury to serious injury in the section on owner responsibility for animal attacks.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Article I of Chapter 531 of the "Revised Code of the Consolidated City and County," regarding animals, hereby is amended by deletion of the language that is stricken-through, and by addition of the language that is underscored, to read as follows:

**ART. I. GENERAL PROVISIONS**

**Sec. 531-101. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

*Animal* means any living, nonhuman vertebrate creature.

*Animal care and control division* means the animal care and control division of the department of public safety.

*At large* means not confined without means of escape of any portion of the animal's body in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless on a leash and under the control of a competent human being.

*Colony* means a group of one (1) or more free-roaming cats, whether unmanaged or managed.

*Colony caretaker* means a person who provides food, water and shelter for free-roaming cats in a managed colony.



*Crime prevention dog* means and includes a dog ~~which~~ that is trained and used by its owner or keeper primarily for the protection of persons or property, or both.

*Dangerous animal* means any animal that:

- (1) Would constitute a danger to human life or property if it were not kept in the manner required by this chapter;
- (2) Has caused serious injury to a person without having been provoked by that person;
- (3) At a place other than its owner's or keepers property has:
  - a. Chased or approached a person in a menacing fashion or apparent attitude of attack; or
  - b. Attacked another domestic animal; or
- (4) Because of its training or behavior, is capable of inflicting physical harm or death to humans.

*Dog* means and includes animals of the *Canis familiaris* species, and hybrids of a *Canis familiaris* and any other member of the *Canis* genus, including wolves. ~~Domestic animals means rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.~~

*Domestic animals* means rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.

*Exposed to rabies* means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

*Free-roaming cat* means any homeless, stray, wild or untamed cat.

*Kennel* means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both. For purposes of this chapter, kennel shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a kennel for the purposes of this chapter.

*Law enforcement animal* means an animal that is owned or used by a law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, the apprehension of offenders and ensuring the public welfare.

*Managed colony* means a colony of free-roaming cats that is registered with the animal care and control division or its designee and is maintained by a colony caretaker using trap, neuter, return methodology.

*Monitored* means that the animal ~~or dog~~:

- (1) Is controlled by means of a leash or other device held by a competent person, subject to the provisions of sections 531-401 and 531-728, which animal ~~or dog~~ is sufficiently near the owner or handler as to be under his or her direct control and is obedient to that person's command;
- (2) Is on or within a vehicle being driven or parked; or
- (3) Is confined as required by this chapter.

*Nonbite exposure* means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

*Own* means to keep, harbor or have custody, charge or control of an animal, and owner means and includes any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of this Code, who temporarily keep animals owned by, or held for sale to, other persons shall not be deemed to own or be owners of such animals, but rather to be keepers of animals, and colony caretakers of managed colonies of free-roaming cats shall not be deemed to be owners or keepers of such animals.

*Person* means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following for purposes of section 531-401:

- (1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions ~~which~~ that constitute a discharge of their official duties; and
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, which is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

*Provoke* means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

*Public safety board* means the board of public safety of the department of public safety.

*Serious injury*, ~~for purposes of this chapter~~ means any injury ~~which results in a broken bone, lacerations severe enough to require multiple sutures, or to render cosmetic surgery necessary, or appropriate or death that results in permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.~~

*Quarantining authority* means the department of public safety, its contractors, agents, employees and designees, acting under directives and regulations of the Health and Hospital Corporation of Marion County or the state board of animal health.

*Shelter* means the animal care and control facility located at 2600 South Harding Street in the City of Indianapolis.

*Veterinarian* means a person licensed to practice veterinary medicine in the state.

*Wild animal* means and includes:

- (1) A Class III wild animal for which a state permit is required under 310 IAC 3.1-11-8 and/or IC 14-22-26; and
- (2) A venomous snake, poisonous amphibian, or other large reptile.

**Sec. 531-102. Animals at large prohibited; penalties.**

(a) An owner or keeper of an animal commits a violation of the code if that animal is at large in the city.

(b) Except as provided in subsection (c) of this section, section 531-501 or section 531-727, the first violation in any twelve-month period shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the code. All subsequent violations in a twelve-month period are subject to the enforcement procedures provided in section 103-3 of the Code and a fine of not less than one hundred dollars (\$100.00) per violation.

(c) If, while the animal is at large in violation of this section at a location other than its owner's or keeper's property or in the public right-of-way, it:

- (1) Attacks another animal; or
- (2) Chases or approaches a person in a menacing fashion or apparent attitude of attack;

then the violation shall be subject to the enforcement procedures and penalties provided in section 103-3 of the Code, and the fine imposed shall not be less than two hundred and fifty dollars (\$250.00), or five hundred dollars (\$500.00) if another animal or person is injured as a result of the animal's actions. If the violation results in serious injury to any person, the court upon request shall order the animal forfeited and/or destroyed.

**Sec. 531-109. Owner responsibility for animal attacks.**

(a) An owner or keeper of an animal commits a violation of the code if that animal attacks and injures a person who did not provoke the animal prior to the attack.

(b) It shall be a defense to prosecution under this section if:

- (1) The attack occurred in an enclosure in which the animal was confined without means of escape, there was posted at the main entrance of the enclosure a notice to beware of the animal, and the person attacked entered the enclosure without invitation; or
- (2) The person was attacked during the commission or attempted commission of a criminal act on the property of the owner or keeper of the animal.

(c) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than five hundred dollars (\$500.00). If the violation results in the animal causing serious ~~bodily~~ injury to any person, the court upon request shall order the animal forfeited and/or destroyed.

(d) The liability imposed by this section shall not reduce, substitute for or in any manner be deemed to be in derogation of the rights accorded victims of dog bite injury or property damages as provided for at IC 15-5-12, et seq. or by common law.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

Councillor Hunter reported that the Public Works Committee heard Proposal Nos. 415-416, 2009 on November 19, 2009. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 415, 2009. The proposal, sponsored by Councillor Nytes, authorizes the removal of no parking anytime restrictions on Park Avenue from 42nd Street to Ruckle Street (District 9). PROPOSAL NO. 416, 2009. The proposal, sponsored by Councillors Hunter and Moriarty Adams, amends the Code to add new provisions regarding unattended bicycles and bicycles not in operation, and traffic restrictions for bicycles on sidewalks and bicycle paths and lanes. By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass and do pass as amended, respectively.

Councillor Lutz asked for consent to vote on the proposals separately. Consent was given.

Councillor Malone stated that Proposal No. 415, 2009 seems impossible, as Park and Ruckle run parallel. Councillor Nytes said that this proposal was carefully negotiated with the St. Joan of Arc School and their neighbors, and while it sounds convoluted, it was carefully worked out with the residents.

Councillor Hunter moved, seconded by Councillor Nytes, for adoption. Proposal No. 415, 2009 was adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Gray, Hunter, Lewis, Lutz, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Smith, Speedy, Vaughn

0 NAYS:

1 NOT VOTING: Scales

1 ABSENT: Mansfield

Proposal No. 415, 2009 was retitled GENERAL ORDINANCE NO. 117, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 117, 2009

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Park Avenue, on the east side, from Ruckle Street to Forty-Second Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Lutz said that with regard to Proposal No. 416, 209, he appreciates the attempt to make Indianapolis more bicycle friendly, but he has some concerns about the way some lanes are being set up, and liability imposed on drivers, and therefore he cannot support the proposal.

Councillor Hunter moved, seconded by Councillor Nytes, for adoption. Proposal No. 416, 2009 was adopted on the following roll call vote; viz:

22 YEAS: Bateman, Cardwell, Cockrum, Day, Evans, Gray, Hunter, Lewis, Mahern (B), Mahern (D), Malone, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Smith, Speedy, Vaughn

5 NAYS: Brown, Cain, Coleman, Lutz, McHenry

1 NOT VOTING: Scales

1 ABSENT: Mansfield

Proposal No. 416, 2009 was retitled GENERAL ORDINANCE NO. 118, 2009, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 118, 2009

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to add new provisions regarding unattended bicycles and bicycles not in operation, and traffic restrictions for bicycles on sidewalks and bicycle paths and lanes.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 431, Article VI, of the "Revised Code of the Consolidated City and County," regarding bicycles, hereby is amended by the addition of a NEW Section 431-604, to read as follows:

**Sec. 431-604. Unattended bicycles and bicycles not in operation.**

It shall be unlawful for a person to leave a bicycle:

- (1) So that it obstructs vehicle or pedestrian traffic on a roadway, sidewalk, driveway, handicap access ramp, building access ramp, building entrance, or so that it obstructs pedestrian access to a parking meter, newsrack, or newsstand;
- (2) Secured to a fire hydrant or to a police or fire call box;
- (3) On private property without the consent of the owner or legal tenant, which consent is implied on private commercial property; or
- (4) On a street, roadway, or other city-owned property or rights-of-way for more than seventy-two (72) consecutive hours.

SECTION 2. Section 441-313 of the "Revised Code of the Consolidated City and County," regarding driving on or across sidewalks, hereby is amended by the addition of the language that is underscored, to read as follows:

**Sec. 441-313. Driving on or across sidewalks; yielding to bicycle operator on sidewalk.**

(a) It shall be unlawful for any person to drive any wagon, motorcycle, motor vehicle or any animal upon, over or across any curb, sidewalk or grassplot on any street in the city, except upon a driveway constructed over the same, or as otherwise permitted by this Code or by a permit therefor from the city.

(b) The driver or operator of any motor vehicle shall yield the right-of-way to any bicycle operator on a sidewalk.

SECTION 3. Chapter 441, Article III, of the "Revised Code of the Consolidated City and County," regarding traffic operating restrictions, hereby is amended by the addition of a NEW Division 7, to read as follows:

DIVISION 7. BICYCLE PATHS AND LANES

**Sec. 441-371. Limitation on conveyances and vehicles on bicycle paths and lanes.**

(a) Bicycle paths and lanes shall be used exclusively for the operation of bicycles unless signage specifies joint use with pedestrians.

(b) With the exception of a moped being operated exclusively with human muscular power, no person shall operate any other conveyance in a designated bicycle path or lane.

(c) A person may operate a motor vehicle upon a bicycle lane for the limited purpose of making a turn, entering or leaving an alley, private road, or driveway.

**Sec. 441-372. Yielding to bicycle operator in bicycle path or lane.**

The driver or operator of any vehicle shall yield the right-of-way to an individual operating a bicycle on a designated bicycle path or lane.

**Sec. 441-373. Driving, standing, or parking on bicycle paths or lanes prohibited.**

(a) The driver or operator of any vehicle shall not drive, unless entering or exiting a legal parking space, or stand, or park the vehicle upon any path or lane designated by official signs or markings for the use of bicycles, or otherwise drive or place the vehicle in such a manner as to impede bicycle traffic on such path or lane.

(b) The driver or operator of any vehicle shall not stand or park the vehicle upon any lane designated by pavement markings for the shared use of motor vehicles and bicycles, or place the vehicle in such a manner as to impede bicycle traffic on such lane.

(c) A vehicle parked or standing in violation of this section shall be subject to immediate removal.

**Sec. 441-374. Enforcement.**

A violation of this division shall constitute a violation of the code.

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 419, 2009. Councillor McQuillen reported that the Municipal Corporations Committee heard Proposal No. 419, 2009 on November 23, 2009. The proposal, sponsored by Councillors McQuillen and Nytes, approves the purchase, construction or acquisition by the Indianapolis-Marion County Building Authority of all or any portion of the Wishard Hospital project and a proposed lease or leases between the Building Authority and the Health and Hospital Corporation to finance all or any portion of the Wishard Hospital project. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Gray asked who is in charge of the money, and who writest the checks, Building Authority or Health and Hospital Corporation. Mr. Elrod said that it would depend what the check was for. Councillor Gray asked who ultimately has the authority. Mr. Elrod said that Wishard contracts with Building Authority. Matt Gutwein, Health and Hospital Corporation, stated that Health and Hospital is responsible for the construction and would therefore write the checks.

Councillor B. Mahern asked if after construction, the property will then belong to Building Authority and not Health and Hospital. Mr. Gutwein said that Building Authority will be the owner, but Health and Hospital will have all the responsibility for the property through the lease agreement. Councillor B. Mahern asked if there is savings in doing it this way. Mr. Gutwein said that it involves lower interest rates and the moving up of construction by taking advantage of the favorable conditions in the market. Councillor B. Mahern asked why Health and Hospital cannot just borrow the money. Mr. Gutwein said that they will borrow some, but the total is more than their cap, and they would like to borrow all of it up front at low interest rates.

Councillor Hunter asked why they are bonding \$703 million, when they have \$150 million cash on hand and only need \$750 million instead of \$853 million. Mr. Gutwein said that they will actually borrow the least amount they can, but \$703 million allows the ability to do the entire project without a tax increase. It is not, however, necessarily the amount they will borrow, and they hope it will be less.

Councillor Coleman stated that Health and Hospital owns some long-term senior communities, and he is employed by one of them. He asked for consent to abstain from voting. Consent was given.

Councillor Plowman stated that this is a great opportunity for the city to get a better county hospital. He added that with the economic development aspects of jobs initiated, this is a win-win situation, and he encouraged Councillors to support the proposal.

Councillor Bateman asked how many jobs will be created. Mr. Gutwein said that there will be 4,000 jobs at the height of construction.

Councillor Minton-McNeill asked if the construction employees will be from Indianapolis. Mr. Gutwein said that it is their focus to hire Marion County workers, and they take a series of approaches and procedures to make the money stay in Marion County.

Councillor Evans asked about minority and women owned business (MBE/WBE) goals. Mr. Gutwein said that they use the city's goals, at 15% MBE and 8% WBE. It is their best practice to meet those goals as a floor, and not a ceiling, and they hope to exceed those goals.

Councillor Pfisterer said that she supports the measure in light of voters overwhelming supporting the project. She said that she would like to see periodic updates since this is a very large amount of money. Mr. Gutwein said that they are eager to provide updates.

Councillor Gray said that this will be a highlight project for the city in MBE/WBE participation and local businesses, and he believes it will be monitored closely.

Councillor Brown congratulated Mr. Gutwein on educating the public and living within their means over the years. He said that he expects continued good work from HHC.

Councillor Lutz said that he supports this project, even though he cast a negative vote in committee. He said that his concern is about rolling \$60 million of debt into this debt. He said that he has faith in Mr. Gutwein and the HHC, and congratulates them on finding creative ways to raise money (nursing home income). He said that the city is in some of the messes they are in financially at this time because they did not ask questions. He said that he will vote against the measure because they are approving a debt in the amount of \$703 million, even though they have \$150 million on hand, and the project only costs \$750 million.

Councillor McQuillen moved, seconded by Councillor Plowman, for adoption. Proposal No. 419, 2009 was adopted on the following roll call vote; viz:

*23 YEAS: Bateman, Brown, Cardwell, Cockrum, Day, Evans, Gray, Hunter, Lewis, Mahern (B), Mahern (D), Malone, McHenry, McQuillen, Minton-McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Sanders, Smith, Vaughn*  
*3 NAYS: Cain, Lutz, Speedy*  
*2 NOT VOTING: Coleman, Scales*  
*1 ABSENT: Mansfield*

Proposal No. 419, 2009 was retitled GENERAL RESOLUTION NO. 28, 2009, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 28, 2009

PROPOSAL FOR A GENERAL RESOLUTION approving the purchase, construction or acquisition by the Indianapolis-Marion County Building Authority (the "Building Authority") of all or any portion of the Wishard Hospital project (as defined below) and a proposed lease or leases (collectively, the "Lease") between the Building Authority, as lessor, and The Health and Hospital Corporation of Marion County, Indiana (the "Health and Hospital Corporation"), as lessee, to finance all or any portion of the Wishard Hospital project and the issuance of general obligation bonds by the Health and Hospital Corporation to finance all or any portion of the Wishard Hospital project.

WHEREAS, the “Wishard Hospital project” means the construction and equipping of a replacement hospital and related facilities for Wishard Health Services currently located at 1001 West Tenth Street (the “Wishard Complex”), together with land acquisition and site development related thereto and all projects and activities related to any of the foregoing, including, but not limited to, all or any portion of the following: (1) acquisition of land and any improvements located thereon and any site development related thereto, (2) renovation and equipping of any such buildings, and the construction and equipping of one or more buildings which will replace the existing hospital and related facilities for the Wishard Complex and provide all or any portion of (a) inpatient services, (b) diagnostic and treatment, (c) clinical support, (d) non-clinical support, (e) offices and education, and (f) public and building functions, (3) construction and equipping of a new ambulatory care building, (4) construction and equipping of one or more related parking garages and/or surface lots, (5) construction and equipping of a central plant for all of the foregoing facilities, and (6) all projects related to any of the projects or facilities described in clauses (1) through and including (5); and

WHEREAS, at the special election held in Marion County, Indiana (the “County”), on November 3, 2009, a majority of the eligible voters voting on the public question below (the “Public Question”), voted in favor of the Public Question:

“Shall the Health and Hospital Corporation of Marion County, Indiana, issue bonds or enter into a lease to finance safe, efficient and functional facilities for the Wishard Hospital project:

1. to allow Wishard to provide access to care for all residents of Marion County, including people who are seniors, poor, uninsured or vulnerable regardless of their ability to pay; and
2. to allow Wishard to provide specialized care, including to victims suffering from traumatic injuries or severe burns; and
3. to allow Wishard to work with colleges and universities, including Indiana University School of Medicine, Ivy Tech Community College, and the Purdue School of Pharmacy, to teach future doctors, nurses and other healthcare professionals in Indiana?”; and

WHEREAS, as a result of such approval by the eligible voters of the County, the Health and Hospital Corporation may proceed with the issuance of its general obligation bonds in one or more series and/or enter into the Lease; and

WHEREAS, before the Building Authority may purchase, construct, acquire or finance all or any portion of the Wishard Hospital project or enter into the Lease, Indiana Code 36-9-13-22(b) requires that the City-County Council of the City of Indianapolis and Marion County, Indiana (the “City-County Council”), and the Board of Trustees of the Health and Hospital Corporation approve such action; and

WHEREAS, before the Health and Hospital Corporation may issue its general obligation bonds, Indiana Code 36-3-6-9 requires that the City-County Council approve the issuance of such bonds; and

WHEREAS, the City-County Council being duly advised, finds that it is in the best interests of the City of Indianapolis, Indiana (the “City”), the County and their citizens for the Building Authority to purchase, construct, acquire or finance all or any portion of the Wishard Hospital project and for the Building Authority to enter into the Lease with the Health and Hospital Corporation, and for the Health and Hospital Corporation to issue its general obligation bonds to finance all or any portion of the Wishard Hospital project, in order to better serve the residents of the City and the County; now therefore:

**BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

SECTION 1. In accordance with Indiana Code 36-9-13-22(b), the City-County Council hereby approves the purchase, construction or acquisition by the Building Authority of all or any portion of the Wishard Hospital project and the Lease between the Building Authority, as lessor, and The Health and Hospital Corporation, as lessee, to finance all or any portion of the Wishard Hospital project, with (a) a maximum term, with respect to any Lease, not exceeding 30 years, beginning on the date each such Lease is executed by the Health and Hospital Corporation, and (b) a maximum annual lease rental of \$54,807,604 (which amount is net of any funds expected to be received by or on behalf of the Building Authority from the United States of America as a result of any series of revenue bonds issued by the Building Authority (the “Revenue Bonds”) being issued as Build America Bonds pursuant to Section 54AA of the Internal Revenue Code of 1986, as amended (the “Code”), as Recovery Zone Economic Development Bonds pursuant to Section 1400U-2 of the Code or as any other type of tax credit bond pursuant to the Code), which annual lease rentals will be used to pay the principal of and interest on the Revenue Bonds issued by the Building Authority.



SECTION 2. In accordance with Indiana Code 36-3-6-9, the City-County Council hereby approves the issuance by the Health and Hospital Corporation of its general obligation bonds in one or more series (the "General Obligation Bonds") to finance all or any portion of the Wishard Hospital project. Each series of the General Obligation Bonds and the Revenue Bonds (collectively, the "Bonds") will have a maximum term of 30 years. The General Obligation Bonds will be issued in an original aggregate principal amount, which, together with any other indebtedness of the Health and Hospital Corporation then outstanding upon the issuance of any series of General Obligation, will not exceed any limitation as to such aggregate principal amount imposed on the Health and Hospital Corporation by Indiana law. The Bonds will be issued in an original aggregate principal amount not to exceed \$703,040,000, and will be subject to the other terms and conditions specified in the Notice of Preliminary Determination published by the Health and Hospital Corporation in the Court & Commercial Record and The Indianapolis Star on September 25, 2009.

SECTION 3. This Resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14.

Councillor Speedy asked for consent to explain his vote. Consent was given. He said that his vote is not a lack of confidence, and he appreciates the hard work HHC does, but this is such a massive amount of money, and he feels the precess could have been more comprehensive to inform the Council. Councillor Cain agreed.

### **NEW BUSINESS**

Councillor Lutz stated that he will be out of town during the next Rules and Public Policy Committee meeting, but that there are proposals referred to the committee that should be acted on before the end of the year. He stated that he will be scheduling an alternative meeting therefore, this Thursday, following the meeting of the Parks and Recreation Committee.

Councillor Brown congratulated Warren Central High School for winning the 5A State Football Championship, and wished his 91-year-old mother and sister who are in town visiting, much love and safe travel home.

### **ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Vaughn stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Gray in memory of Rodney J. Stantley; and
- (2) Councillors McHenry, Lutz and Pfisterer in memory of Dorothy Pflum; and
- (3) Councillor McHenry in memory of Major Myrl Woodcock and Justine Allison.

Councillor Vaughn moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Rodney J. Stantley, Dorothy Pflum, Major Myrl Woodcock and Justine Allison. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:50 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 30th day of November, 2009.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President



Clerk of the Council

ATTEST:

(SEAL)